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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,617	06/30/2000	Scott D Smyers	SONY-12100	9459

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,617	Applicant(s) SMYERS ET AL.	
	Examiner Marc R. Filipczyk	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-35 and 44-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-35 and 44-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/06</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Action is responsive to Applicant's response filed January 23, 2006.

New claims 52-54 are submitted, hence claims 1-15, 19-35 and 44-54 are now pending.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 24, 30, 44 and 50-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuver et al (U.S. Patent No. 6,438,604).

Regarding claims 1, 24, 30, 44 and 50-54, Kuver discloses a method of writing data to a media storage device comprising: (figure 3B)

receiving a received packet of data to be written to the media storage device, the received packet of data including a packet header; (fig. 4D, item S451)

adding a metadata header to the received packet of data thereby forming an extended packet of data including both the packet header and the meta data header (col. 17, lines 38-46)

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and col. 12, lines 23-25 and 52-54: *Note, only **unneeded** headers are stripped*), wherein the packet is an isochronous packet of data (col. 12, lines 54-59);

storing the extended packet of data onto a media within the media storage device (fig. 3A and col. 17, lines 38-46); and

further, Kuver discloses a physical layer that formats data to IEEE requirements and sends data to other devices (col. 8, lines 35-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 19-26, 29-32, 35 and 44-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117).

Regarding claims 1 and 6, AAPA discloses a method of writing data to a media storage device comprising: (figure 2, items 28 and 30, AAPA)

a packet of data to be written to the media storage device (fig. 4A, *Source Packets*), the packet of data including a packet header (fig. 4A, items 68-71)

adding a metadata header (Isoch and CIP) to the received packet of data thereby forming an extended packet of data including both the packet header and the meta data header; (fig. 4A,

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items 68, 76 and 78; *Headers Added*), wherein the packet is an isochronous packet of data (fig. 4A, item 76, AAPA); and

storing the extended packet of data onto a media within the media storage device (fig. 2, items 24, 26, 28 and 30).

AAPA further discloses a bus interface circuit (fig. 2, block 22, AAPA) that formats data to IEEE requirements and sends data to other devices, but does not expressly teach receiving a packet of data.

However, Traw discloses a system/method for controlling arbitration for access to a serial bus (title, Traw) wherein packets of data are received (fig. 2, 206, Traw) and a cycle control. Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive packets of data in the AAPA system via the bus interface circuit (fig. 2, block 22, AAPA) as done in Traw system to access and receive data from other devices and applications.

(Note: hardware media interface is equivalent to interface circuit)

Regarding claim 2, AAPA and Traw teach a cycle control along with packet transmitter and receiver (fig. 2, block 206, Traw). A cycle controller uses values to keep track of data.

Regarding claims 3 and 4, AAPA and Traw teach received packet of data is an isochronous packet of data received (fig. 4A, item 76, AAPA) over isochronous channels (fig. 2, *Isochronous Channels*, Traw).

Regarding claim 5, AAPA and Traw teach adding a header to the received packet of data is performed by an embedded stream processor within a storage device (col. 4, lines 63-66, Traw).

(Note: CPU with encoding/decoding functions is an embedded stream processor)

Regarding claim 7, hard disk is inherent from a storage device.

Regarding claims 8-13, 19-26, 29-32, 35 and 44-54 contain the same subject matter as claims 1-7 and therefore are rejected on the same ground.

Claims 14, 15, 27, 28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Traw et al. (U.S. Patent No. 6,012,117) as applied to claim 1 above, and further in view of Kuver et al. (U.S. Patent No. 6,438,604).

Regarding claims 14, 15, 27, 28, 33 and 34, AAPA and Traw disclose all of the claimed subject matter as discussed above with respect to claim 1 including a cycle control (fig. 2, block 206, Traw) but do not expressly teach a range. However, Kuver discloses a network data packet receiving and transmitting method where depending on the range a packet is accepted or rejected (fig. 4D, items S451, S455-S458, Kuver). Hence, it would have been obvious to a person of

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ordinary skill at the time the invention was made to have utilized a range in the cycle control in AAPA and Traw system to restrict the quantity and flow of data as done by Kuver.

Response to Arguments

Applicant's arguments filed on January 23, 2006 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues on pages 11-18 of the 1/23/06 response regarding Kuver that "Kuver does not teach or disclose adding a meta data header to a received packet of data including a packet header."

Examiner disagrees. Kuver discloses a received (digital video data) packet includes a header (fig. 4D and col. 9, lines 33-36) and adding a network (metadata) header information to the packet (col. 17, lines 41 and 42). Kuver extends the packet of data by the added network header to the received digital video data (col. 17, lines 41-42) and stores the extended packet of data in a transmitting step (col. 17, lines 45 and 46). Kuver further discloses formatting the digital video data (packet) with the header (col. 17, lines 51 and 52), hence the header is reused and therefore is present.

Examiner points Applicant's attention to Kuver's definition of a Header (col. 9, lines 39-41) as,

Header: includes fields for data length, tag, channel, tcode, and sy (col. 9, lines 39-53). The header information is vital in processing the data packet, (i.e., data length, is length of data in bytes).

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It seems that Applicant's main argument is that the packet header is removed (page 14, par. 2 and 3, Applicant) hence the (metadata header) network header is not added to the packet header. This argument is not analogous and is **not** supported by evidence.

Kuver removes some elements from the header, referred to as "stripping off unneeded network headers" (col. 10, lines 1-4) via link layer 16, however, the header information is maintained (interpreted) by the link layer 16 and its components (fig. 3A and col. 10, lines 1-4), then the packet header itself is **reconstructed** before transmission (col. 12, lines 52-59), hence the packet data, header and network data are stored together in the packet data.

Applicant argues on pages 19-22 of the 1/23/06 response that AAPA, Traw nor their combination teach adding a meta data header to a received packet of data already including a packet header.

Examiner disagrees. Applicant admits that in AAPA, CIP headers are added to the isochronous data packet before the packet is transmitted (page 12, lines 12 and 13, 8/6/04 Applicant), hence adding headers to data packets was not uncommon at the time the invention was made. Traw teaches receiving and sending packets of data via isochronous channels (fig. 2, item 206, Traw), uses a physical layer to encode and decode data, performs arbitrations and comprises a media interface (fig. 2, item 208, Traw). Traw further teaches storing information (fig. 1, item 104). In summery, AAPA adds metadata headers and stores the packets with headers, and Traw enables receiving and sending data packets including AAPA's data packets with headers. Therefore, it should be clear to one in the art that AAPA and Traw combination teach sending/receiving data packets and adding additional headers to the received data packets.

Regarding comments on pages 22-26 of the 1/23/06 response, Applicant rehashes issues regarding AAPA and Traw already addressed above.

Regarding newly submitted claims 52-54, Applicant is reminded that no new subject matter should be added. Specifically, the feature of **maintaining** header with packet of data should be linked to the specification for adequate support. Examiner requests that such an admission be provided in the next response as required by the MPEP.

With respect to all the pending claims 1-15, 19-35 and 44-54, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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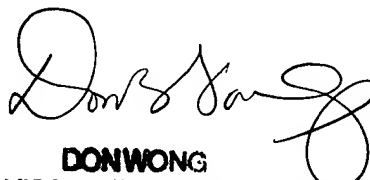
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF
April 5, 2006


DONWONG
ADVISORY PATENT EXAMINER